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September 15, 2022

Via ECF

The Honorable Judge Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re: SingularDTV GmbH v. Doe, Case No. 1:21-cv-06000-VEC
Status Update

Dear Judge Caproni:

Reference is made to our letter dated August 15, 2022. Kobre & Kim and AlixPartners have timely submitted motions to quash the subpoenas authorized by this Court. Those motions are fully submitted.

As of this update, counsel for Plaintiff has not been provided with any documents in response to our subpoenas. (a) Mr. Allenspach, has refused to comply with the subpoena or the procedures set forth in the Court's order; (b) Kobre & Kim, has refused to provide any documents or information arguing, *inter alia*, that disclosure is protected by attorney client privilege (ignoring for a moment that we are requesting this information on behalf of the Plaintiff, who is also their client); and (c) AlixPartners, the vendor that led SingularDTV GmbH's investigation into the hacking incident, has likewise refused to comply on similar grounds.

In light of the above, we renew our previous request for leave to serve a subpoena on Mr. Joseph Lubin, a shareholder and director of SingularDTV GmbH who serves as the second member (along with Mr. Allenspach) of the SingularDTV GmbH dissolution committee empaneled in the wake of the hacking incident to investigate the theft of Plaintiff's assets. Mr. Lubin has access to the same information requested of Mr. Allenspach and most of the information requested in the Kobre & Kim and AlixPartners subpoenas. Despite our best efforts to avoid dragging Mr. Lubin into the fray, Plaintiff at this juncture has no other options.

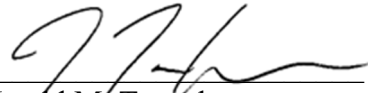
We also renew our request (raised in our July and August letters) for reimbursement of reasonable attorneys' fees and costs for opposing both motions to quash. Neither of those motions would have been necessary had AlixPartners and Kobre & Kim simply engaged with Morrison Tenenbaum to discuss what information could safely be disclosed without prejudice to

any party, and what protections could be put in place to prevent the potential misuse of sensitive information. Instead, they have simply refused to do anything other than to create obstacles through wasteful motion practice.

We thank the Court for its consideration.

Respectfully Submitted,

Morrison Tenenbaum, PLLC

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